

## **REMARKS**

Claims 1, 2 and 4-18 have been rejected and remain pending. Claim 18 has been amended. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

### **Rejection of Claim 18 under 35 USC § 112:**

Claim 18 has been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that the use of the phrase "at least about 50 mole percent" renders the claims ambiguous.

Applicants have amended claim 18 to obviate this rejection.

### **Rejection Of Claims 1, 2 and 4-18 Under 35 U.S.C. §103(a):**

Claims 1, 2 and 4-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ogawa (U.S. Patent No. 5,750,200) in view of Sugiyama (U.S. Patent No. 4,371,582). The Examiner states that Applicants claim an ink-receiving element comprising (1) a substrate and (2) a porous image-receiving layer thereon, wherein the image-receiving layer comprises (a) particles having a mean particle size of greater than 0.04 to about 5  $\mu\text{m}$ ; (b) water soluble cationic particles comprising at least 20 mole percent of a cationic mordant moiety; and (c) up to 20 wt% binder.

The Examiner states that Ogawa discloses an inkjet recording sheet comprising (1) a support, (2) an ink-receiving layer, and (3) a gloss-providing layer. The Examiner alleges that the gloss-providing layer is equivalent to Applicants' porous image-receiving layer, since it comprises a binder and pigments having a particles size falling within applicants' claimed values. The Examiner further states that the binder of the gloss layer comprises a latex polymer (col. 11, lines 3-7), including functional group-modified latexes (col. 11, lines 8-17). The Examiner concedes that Ogawa does not specifically disclose the use of latex comprising at least 20 mole percent of a cationic mordant moiety. The Examiner then cites Sugiyama for teaching that using a basic polymer latex having the formula  $(\text{A})_x(\text{B})_y(\text{C})_z$  which latex provides a recording sheet with improved image-forming properties, since the images formed thereon do not

dissolve and retain a high degree of water resistance. The Examiner states that this latex is equivalent to Applicants' latex comprising at least 20 mole percent of a cationic mordant moiety, since in the formula, A comprises a cationic monomer (e.g., a quaternary ammonium salt) present in an amount within Applicants' claimed range ( $x = 10-99$  mol %). The Examiner alleges it would have been obvious to use the basic latex polymer of Sugiyama as the modified latex of the Ogawa gloss-providing layer, motivated by the desire of providing images excellent in water resistance, as taught by Ogawa. The Examiner further states, with regard to claims 15 and 16, that Ogawa's ink-receiving layer is equivalent to Applicants' base layer and comprises a pigment (e.g., silica) and a binder (col. 6, lines 38-54).

This rejection is respectfully traversed. Ogawa et al. (hereafter "Ogawa") discloses an inkjet recording sheet comprising a gloss-enhancing layer over the ink-receiving layer. A gloss-enhancing layer is not an ink-receiving layer and has a different function than the ink-receiving layer. Hence, it is submitted that one skilled in the art would not be motivated to replace a latex in the gloss-enhancing layer of Ogawa with the latex in the ink-receiving layer of Sugiyama to obtain the ink-receiving layer of the claimed invention.

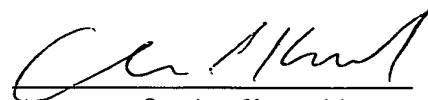
The main function of the gloss-providing layer of Ogawa is to provide high gloss (col. 3, lines 39-47) and the main function of the ink-receiving layer is to absorb the ink (column 6, line 55 and column 19, line 9). Although the gloss-providing layer can also absorb some of the ink, obviously this does not mean that it should negate the purpose of the ink-receiving layer below it or replace it. Thus, clearly Ogawa does not wish the gloss-providing layer to act as the ink-receiving layer. In this regard, the latex of Ogawa is nowhere described as a cationic material, but rather a "functional group-modified polymer with a monomer having a functional group such as a carboxy group." Furthermore, Ogawa does disclose a cationic latex, but in the ink-receiving layer (col. 8, lines 6-8), where it is used as a dye-fixing agent to absorb the ink.

Sugiyama et al. (hereafter "Sugiyama") uses a cationic latex in the ink-receiving layer where it "has a strong mordanting power for the dye (column 3, line 60)." However, the ink-receiving layer of Sugiyama is not porous, as required by the present claims which require "a porous image-receiving layer" and, consistent with this requirement, a binder in an amount not more than "20

weight percent." In distinct contrast, Sugiyama's ink-receiving layer is a swellable non-porous layer, comprising mostly gelatin and cationic polymer (col. 15, lines 44-45), in an amount much greater than 20%, and relatively minor amounts of pigment.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,



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